IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 80 OF 2007
IN
FIRST APPEAL NO. 86 OF 2007

SHRI. GOVIND G. POY RAITURKAR
ALIAS GOVIND G. POI RAITURKAR AND
ANR., ... Applicants

Versus

SHRI. SANTOSH R. RAMNATHKAR AND
ANR., ... Respondents

Mr. M.S. Usgaonkar, Sr. Advocate with Mr. Sudesh Usgaonkar, for the Applicants.

Mr. S.K. Kakodkar, Sr. Advocate with Mr. S.d. Padiyar and Mr. R. Rivonkar, for the Respondents.

Coram:- S.A.BOBDE, J.

Date:- 5th April, 2007

P.C.:

By way of interim order, the parties consent to the following interim order :-

(1) The respondents shall continue to construct on the disputed portion "MTDQ", pending decision of the appeal;

(2) The construction shall be subject to the result of the appeal and the respondents undertake to demolish the construction in the event the appeal is allowed and demolition is so ordered, subject to their right to approach the Supreme Court; and not to claim any equities on the construction made hereafter. This order shall have no bearing on any collateral proceedings.

(3) This order shall operate upon the respondents filing an undertaking to the effect that they shall construct subject to the result of the appeal over the disputed portion "MTDQ" and shall demolish the same, if so ordered by the Court, and shall not claim any equities for the construction done hereafter, without prejudice to the respondents' right to prefer an appeal to the Supreme Court, if so advised.

(4) Further, that in the event the respondents create any third party rights in respect of the suit property, they shall notify such party of this litigation.

Order accordingly.

S.A.BOBDE, J.

sl.